

# **SPECIAL MEETING**

## **October 28, 1996**

The Special Meeting of the Annapolis City Council was held on October 28, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m. Alderman Snowden offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Alderman Johnson arrived at 7:01 p.m. and Alderman Hammond was absent due to illness.

Staff Present: City Attorney Goetzke, Acting Planning and Zoning Director Arason, Public Works Director Patmore, Personnel Director Davis

Mayor Hopkins and Personnel Director Davis presented "Over 25 Years of Service" Awards to the following City employees:

Martini M. Beann	Parking and Transportation Department
Marjorie M. Geaglone	Parking and Transportation Department

## **PUBLIC HEARINGS**

1. **Application of Man Cheung, Inc. (applicant) and Blackistone Corner Joint Venture (property owner) for a conditional use to establish delivery service at an existing delicatessen, t/a The Golden Dragon at 1100 Forest Drive.**

Acting Planning and Zoning Director Arason presented a background report on the application.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 10/3/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 9/17/96.

Alan J. Hyatt, 1919 West Street, attorney for the applicant, spoke briefly. Mary Ho, owner, The Golden Dragen, was also present. Mr. Hyatt proffered the testimony of Ms. Ho.

The following exhibits were entered into the record by Mr. Hyatt:

Exhibit No. 1:	Letter dated 10/18/96 to The Honorable Alfred A. Hopkins and City of Annapolis Aldermen from Alan J. Hyatt dated 10/18/96;
Exhibit No. 2:	List of persons having a financial or vested interest in the project;
Exhibit No. 3:	Document entitled "Exhibit No. 11" dated 9/3/96;
Exhibit No. 4:	Floor plans labeled "A-1";
Exhibit No. 5:	Engineering plan dated 2/95.

No one from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the November 4, 1996 meeting.

2. **Application of WM Enterprises, Inc. and Cock and Bull Associates for a conditional use to expand an existing restaurant with alcoholic beverage service, t/a Rams Head Tavern, 25 West Street, Annapolis.**

Acting Planning and Zoning Director Arason presented a background report on the application.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 9/3/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 8/12/96.

Susan T. Ford, 125 West Street, attorney for the applicant, spoke briefly. The applicant, William Muehlhauser, President, WM Enterprises, Inc. spoke briefly and answered questions addressed by the Council.

The following exhibits were entered into the record by Ms. Ford:

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|----------------|---|
| Exhibit No. 1: | Letter dated 10/24/96 to Ms. Jacqueline Rouse from Susan T. Ford;   |
| Exhibit No. 2: | Letter dated 9/5/96 to Ms. Jacqueline Rouse from Susan T. Ford; Standards for Conditional Use; letter of application dated 4/26/96; Vicinity Map; Memo dated 5/8/96 to Sue Ford from Lawson Design; letter dated 8/12/96 to Ms. Jacqueline Rouse from Susan T. Ford; List of persons having a financial or vested interest in the project; letter dated 10/24/96 to Ms. Jacqueline Rouse from Susan T. Ford; Land Use Plan; and Floor Plans dated 5/7/96. |

Speaking on the application:

1. Gil Renaut, President  
Ward One Residents Association  
115 Monticello Avenue  
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the November 4, 1996 meeting.

3. **Petition of Skipper Forest Drive Limited Partnership, Howard M. Skipper, Betty Lou Skipper, John F. Galloway, Peggy S. Galloway and Bertram L. Potemken, Personal Representative of the Estate of Charles S. Skipper, Jr. to consider the annexation to the City of Annapolis of a parcel of ground containing approximately 37.917 acres, more or less, lying near Greenbriar Lane and Forest Drive, contiguous to the present boundary line of the City, as that boundary line now exists. (Skipper Property)**
4. **Petition of The Chrisland Corporation and Farmers National Land Corporation to consider the annexation to the City of Annapolis of a parcel of ground containing approximately 103.647 acres, more or less, lying near Bywater Road, contiguous to the present boundary line of the City, as that boundary line now exists. (Chrisland Property)**

**Chrisland Property:**

Acting Planning and Zoning Director Arason presented a background report on the petition.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 10/17/96, and a Memorandum with attachments from Jon Arason to the Planning Commission dated 9/26/96.

Alan J. Hyatt, 1919 West Street, attorney for the applicant, spoke briefly. Mr. Hyatt requested that the Petition for Annexation filed by the applicants be amended to reflect a zoning request of R1B.

The following individuals testified on behalf of the applicant:

1. Paul A. Cuticchia, President  
The Chrisland Corporation  
10640 Main Street  
Fairfax, Va. 22030
2. Gary T. Westholm, MAI,  
Real Estate Consultant  
Powell and Westholm  
2661 Riva Road  
Annapolis, Md. 21401
3. Charles A. Shreeve  
Professional Land Surveyor  
Greenhorne and O'Mara, Inc.  
2661 Riva Road  
Annapolis, Md. 21401
4. Kenneth Schmid  
Traffic Engineer  
Traffic Concepts  
8252 Veterans Highway  
Millersville, Md.

The following exhibits were entered into the record by Mr. Hyatt:

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|-----------------|---|
| Exhibit No. 1:  | Annexation Exhibit dated 9/96;  |
| Exhibit No. 2:  | Letter dated 10/24/96 to The Honorable Alfred A. Hopkins and City of Annapolis Aldermen from Gary T. Westholm, MAI; |
| Exhibit No. 3:  | Letter dated 10/2/96 to Jon Arason from George E. Hatch, Planning Officer;  |
| Exhibit No. 4:  | Administrative Hearing Opinion dated 2/14/90;   |
| Exhibit No. 5:  | Professional Resume - Charles A. Shreve, III;   |
| Exhibit No. 6:  | Memorandum dated 9/4/96 to Mayor Alfred A. Hopkins and City of Annapolis Aldermen from John E. C. Patmore;          |
| Exhibit No. 7:  | Assessment of Environmental Issues;   |
| Exhibit No. 8:  | Forest Stand Delineation;   |
| Exhibit No. 9:  | Professional Resume of Kenneth W. Schmid;   |
| Exhibit No. 10: | Forest Drive Planned and Funded Highway Improvement Projects.   |

**Skipper Property:**

Acting Planning and Zoning Director Arason presented a background report on the petition.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 10/15/96, and a Memorandum with attachments from Jon Arason to the Planning Commission dated 9/26/96.

Alan J. Hyatt, 1919 West Street, attorney for the applicant, spoke briefly.

The following individuals testified on behalf of the applicant:

1. David Blaha, Land Planner  
Environmental Resources Management, Inc.  
2666 Riva Road  
Annapolis, Md. 21401
2. Ron Johnson, Engineer  
Ronald Johnson Associates, Inc.  
2661 Riva Road  
Annapolis, Md. 21401
3. Gary W. Koch, President  
Koch Property Management, Inc.  
2661 Riva Road, Suite 220  
Annapolis, Md. 21401

Mr. Hyatt proffered the testimony of Kenneth Schmid, Traffic Engineer, Traffic Concepts, 8252 Veterans Highway, Millersville, Md.

The following exhibits were entered into the record by Mr. Hyatt:

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|----------------|--|
| Exhibit No. 1: | Professional Profile of David W. Blaha, AICP;  |
| Exhibit No. 2: | Environmental Resources Management, Inc.'s Summary of Findings dated 10/28/96;                                 |
| Exhibit No. 3: | Annexation Plan dated Feb., 1995;  |
| Exhibit No. 4: | Memorandum to Mayor Alfred A. Hopkins, City of Annapolis Aldermen from John E. C. Patmore, P.E., dated 9/4/96; |
| Exhibit No. 5: | Letter dated 9/24/96 to Mr. Gary W. Koch from Ronald W. Johnson, P.E.;   |
| Exhibit No. 6: | Forest Drive Planned and Funded Highway Improvement Projects.  |

**Speaking in support of the petitions:**

1. Vincent Leggett  
Leggett Group  
3436 Cohasset Avenue  
Annapolis, Md. 21403

**Speaking in opposition to the petitions:**

1. Steven R. Cover, Director  
Anne Arundel County Planning  
and Code Enforcement  
2664 Riva Road  
Annapolis, Md. 21401

2. Marc K. Cohen, Esquire  
Representing Bywater-Church & Crab Creek  
Association, and James P. Alexander  
120 East Baltimore Street  
Baltimore, Md. 21201-1643
3. Barbara Samorajczyk  
Annapolis Neck Federation  
2525 Carrollton Road  
Annapolis, Md. 21403
4. David Zeyher  
Bywater Homeowners Association  
822 Bywater Road  
Annapolis, Md. 21401
5. Bill Patterson  
900 Crab Creek Lane  
Annapolis, Md. 21401
6. Tony Evans  
3 Constitution Square  
Annapolis, Md. 21401
7. Jim Alexander  
814 Bywater Road  
Annapolis, Md. 21401
8. Chris Keleher  
131 Merryman Court  
Annapolis, Md. 21401
9. Azalia Leckszas  
923 Crabtree Lane  
Annapolis, Md. 21401
10. Manfred Leckszas  
923 Crabtree Lane  
Annapolis, Md. 21401
11. Carla Gay  
914 Bywater Road  
Annapolis, Md. 21401
12. Richard Burkett  
921 Bywater Road  
Annapolis, Md. 21401
13. Edgar J. Sears, Jr.  
859 Bywater Road  
Annapolis, Md. 21401
14. Burt Weisbaum  
927 Bywater Road  
Annapolis, Md. 21401

Alderman DeGraff left at 11:35 p.m.

15. Diana Josephson  
814 Bywater Road  
Annapolis, Md. 21401

16. Mary Havard  
2662 Greenbriar Lane  
Annapolis, Md. 21401
17. James Johnson  
300 Eatons Landing Drive  
Annapolis, Md. 21401
18. Louise O'Neil  
911 Bywater Road  
Annapolis, Md. 21401
19. Dick Armstrong  
2643 Greenbriar Lane  
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the petitions.

Mr. Hyatt proffered the testimony of Roger T. Kilgore, P.E.

Mr. Hyatt gave a closing statement.

Mayor Hopkins declared the public hearings closed with action to be taken at the November 4, 1996 meeting.

Alderman Snowden moved to suspend the rules in order to commence a public hearing after 10:30 p.m. Seconded. CARRIED on voice vote.

5. **Application of Main Street Trattoria, Inc. for a conditional use to establish a standard restaurant/delicatessen, t/a Main Street Trattoria at 81 Main Street.**

Acting Planning and Zoning Director Arason presented a background report on the application.

Planning Commission Chair Hillman presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 10/3/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 9/17/96.

Anthony F. Christhilf, 124 South Street, attorney for the applicant, spoke briefly. Mr. Christhilf proffered the testimony of applicant Pete Priola, real estate appraiser Gary T. Westholm and architect John Jay Schwartz.

The following exhibits were entered into the record by Mr. Christhilf:

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|----------------|---|
| Exhibit No. 1: | Letter dated 8/21/96 to Eileen P. Fogarty, Director from Anthony F. Christhilf; |
| Exhibit No. 2: | Letter dated 10/18/96 to Annapolis City Council from Anthony F. Christhilf;     |
| Exhibit No. 3: | Site Plan/Survey;   |
| Exhibit No. 4: | Deed with metes and bounds description;   |
| Exhibit No. 5: | Vicinity Map;   |
| Exhibit No. 6: | Land Use Plan;  |
| Exhibit No. 7: | Floor Plans, Longitudinal Section, Front Elevation;                             |
| Exhibit No. 8: | List of Property Owners within 200 feet;  |
| Exhibit No. 9: | List of Interested Persons;   |

- Exhibit No. 10: Relevant portions of Lease;  
Exhibit No. 11: Statement of Compliance with Conditional Use Criteria;  
Exhibit No. 12: Memorandum dated 9/17/97 to Planning Commission from Eileen P. Fogarty;  
Exhibit No. 13: Agency comments dated 8/29/96 and 9/3/96;  
Exhibit No. 14: Memorandum dated 10/3/96 to Annapolis City Council from Annapolis Planning Commission;  
Exhibit No. 15: Resolution No. R-11-96;  
Exhibit No. 16: Letter dated 10/28/96 to Mayor and City Council of the City of Annapolis from Gilbert T. Renaut.

Speaking in support of the application:

1. Glenn Lahman  
88 East Street  
Annapolis, Md. 21401
2. Bob Ward  
949 Yachtsmens Way  
Annapolis, Md. 21403
3. Clayton Miller  
208 Park Road  
Riva, Md. 21146

Speaking in opposition to the application:

1. Gerald Freedenberg  
representing Markethouse Association  
Chesapeake Harbour  
Annapolis, Md. 21403

No one else from the general public spoke in favor of or in opposition to the application.

Mr. Christhilf gave a closing statement.

Mayor Hopkins announced there would be a seven day comment period and a seven day reply period for this application.

Mayor Hopkins declared the public hearing closed with action to be taken at the November 4, 1996 meeting.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 12:40 a.m.

**Patricia L. Bembe, CMC/AAE  
City Clerk**